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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,253	12/03/2003	Rudolfus Johannes Hendrikus Hafkamp	C4271(C)	4915

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,253

Applicant(s)

HAFKAMP ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on March 14, 2005.
2. Claims 1-19 are pending.
3. The rejection of claims 3, 7, 11-12, 16-17 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
4. The rejection of claims 1, 2, 4, 14 and 19 under 35 U.S.C. 102(b) as being anticipated by JP 61275207, hereinafter "JP '207" is withdrawn in view of applicants' amendment.
5. The rejection of claims 3, 7, 8 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over JP '207 as applied to the above claims is withdrawn in view of applicants' amendment.
6. The rejection of claims 5, 6 and 9 under 35 U.S.C. 103(a) as being unpatentable over JP '207 as applied to the above claims, and further in view of Tokubo et al. (US Patent No. 5,165,915) is withdrawn in view of applicants' amendment.
7. Claims 1-19 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/353,725 for the reasons set forth in the previous office action.

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8. Claims 16-18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-14 of copending Application No. 10/353,724 for the reasons set forth in the previous office action.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 8 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 lacks support for “the inorganic carrier material (see line 2) with respect to claim 1 which refers to “granular clay carrier”.

Claim 18 recites “an inorganic carrier material” in line 11, however, claim 16 to which this claim depends upon, which depends from claim 1, already recites the carrier as clay, hence the limitations of claim 18 is broader in scope than claim 1. It is suggested that the above phrase be replaced with “a clay carrier” to be consistent with claims 16 and 17.

11. Claims 1-4, 7-8, 10, 14, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 1707058 in view of Madore et al. (US Patent No. 4,846,982), hereinafter “Madore”.

SU ‘058 teaches a cleaning powder for cleaning tiles, kitchenware, etc., containing in wt. %: 3.2-4.4 sec. (6-16C)-alkyl sulphates, 2.8-3.6 11-17C alkyl sulphonate, 38.0-41.0 calcite,

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4.0-6.0 sodium carbonate, 0.2-0.3 bioactive extract of aloe, fragrance and balance natural zeolite.

The cleaning powder is prepared by mixing calcite with sodium carbonate, adding with continuous mixing previously prepared mixture of surfactants, fragrance and bioactive extracts, and mixing the mass with natural zeolite (see abstract). SU '058, however, fails to disclose the herbal extract absorbed onto a clay carrier, the laundry use of the composition, the recited pH and the bulk density of the composition.

Madore teaches the equivalency of sodium carbonate, zeolites and clays as builders in a similar composition (see col. 10, lines 61-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the sodium carbonate and/or zeolite of SU '058 with clay because the substitution of art recognized equivalents is within the level of ordinary skill in the art as shown by Madore. Even though SU '058 does not teach a laundry use of his composition, the two different intended uses are not distinguishable in terms of the composition, see *In re Thuau*, 57 USPQ 324; *Ex parte Douros*, 163 USPQ 667; and *In re Craige*, 89 USPQ 393. It would also have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the pH and bulk density of the composition to be within those recited because similar ingredients have been utilized.

12. Claims 1-4, 7-11, 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeer (US Patent No. 5,880,076) in view of Madore.

Vermeer teaches personal product and detergent compositions comprising glycacarbamate, glycaurea compounds or mixtures thereof, wherein the compositions can be in

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powdered form (see abstract; col. 21, lines 9-12). A classification to the detergent type would consist of heavy-duty detergent powders (see col. 20, lines 24-25). Ingredients useful in detergent products include surfactants and builders (see col. 22, lines 6-7), wherein the builder includes alkali metal aluminosilicates and carbonates (see col. 42, lines 1-6), nonionic polymers (see col. 36, lines 44-48) and dispersing agents like polycarboxylate and polyethylene glycol (see col. 47, lines 33-40), the latter two reading on the polymeric binder of the present claim 9. Vermeer also teaches that surfactants like anionic and nonionic surfactants and mixtures thereof are used in combination with the alkyl glycacarbamate and alkyl glycaurea compounds of the present invention, at a typical level from about 0% to about 70%, preferably from about 0.1% to about 55% (see col. 27, lines 55-63). The anionic surfactants include alkyl benzene sulfonates (see col. 23, lines 1-19) or alkyl sulphates (see col. 23, lines 20-44), and a preferred class of nonionic surfactants are polyoxyalkylene alkyl alcohols having about 8 to about 18 carbon atoms and about 1 to about 100 moles of ethylene oxide (see col. 24, lines 62-66). Other ingredients useful in the detergent compositions include healing agents like aloe vera gel at a level from about 0% to about 6% by weight of the composition (see col. 37, lines 59-67). The detergent composition should have a 1 wt% aqueous solution pH and bulk density within those recited because similar ingredients have been utilized. Vermeer, however, fails to specifically disclose a granule comprising an herbal extract like aloe vera absorbed into and/or adsorbed onto a granular clay carrier.

Madore teaches the equivalency of sodium carbonate, zeolites and clays as builders in a similar composition (see col. 10, lines 61-66).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the sodium carbonate of Vermeer with clay because the substitution of art recognized equivalents is within the level of ordinary skill in the art as shown by Madore.

13. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masschelein et al. (PG Pub. No. US 2002/0103094), hereinafter "Masschelein".

Masschelein teaches composition for domestic laundering (see abstract) which comprises cationic silicones and one or more laundry adjunct agents like stabilizer, nitrogen-free nonionic surfactant and detergent builder (see section [0014] on page 1), wherein the compositions may be in any form such as powders or tablets and can be in "compact" or "low density" form (see section [0029] on page 2). The stabilizer is preferably present at a level from 0.01% to 10% and one selection of stabilizer is aloe (see sections [0157-0158] on page 10). Examples of nonionic surfactants in the range from about 0.01% to about 80% by weight include C₈-C₁₈ alkyl and/or alkylaryl alkoxyates, especially the ethoxyates, containing from about 1 to 22 moles of ethylene oxide (see section [0160] on page 10), or polyglycoside (see section [0161] on page 10). Other suitable cleaning adjunct materials include anionic surfactants like linear alkylbenzene sulfonates and alkyl sulfates and mixtures thereof, water-soluble polyacrylates, dyes, colorants and clays (see section [0215] on page 15). Proportions of the anionic surfactants can be seen in Example 2 on page 16, which is 9.95% by weight. The enzymes need not be present in the composition (see section [0202-0203] on page 14). The detergent composition should have a 1 wt% aqueous solution pH and bulk density within those recited because similar ingredients have been utilized.

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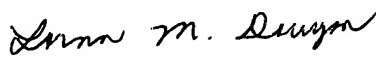
Masschelein, however, fails to specifically disclose a composition comprising granules wherein the granules comprise an herbal extract like aloe vera absorbed into and/or adsorbed onto clay.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the composition of Masschelein which comprises surfactant, aloe vera and clay to read on the present claims because the preparation of the composition of Masschelein would have caused the liquid ingredients like aloe vera to be absorbed by the solid ingredients like clay.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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